

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

RESOLUTION NO. R5-2006-XXXX

AMENDING WASTE DISCHARGE REQUIREMENTS ORDER NO. R5-2002-0016
AND CEASE AND DESIST ORDER NO. R5-2002-0017
NPDES NO. CA0078581
FOR
STATE OF CALIFORNIA, CENTRAL PLANT OPERATIONS
CENTRAL HEATING AND COOLING FACILITY
SACRAMENTO COUNTY

The California Regional Water Quality Control Board, Central Valley Region (hereafter Regional Water Board), finds:

1. On 1 March 2002, the Regional Water Board adopted Waste Discharge Requirements Order No. R5-2002-0016, NPDES No. CA0078581 (Order), prescribing waste discharge requirements and Cease and Desist Order No. R5-2002-0017 (CDO) for the State of California, Central Plant Operations, Central Heating and Cooling Facility (hereafter Discharger) in Sacramento County.
2. The Discharger owns and operates the Central Heating and Cooling Facility in downtown Sacramento. The facility provides heating and cooling to downtown State office buildings and discharges closed-system cooling water into the Sacramento River, a water of the United States, at the point latitude 38° 34' 26" and longitude 121° 30' 36", located on the east bank approximately 1,000 feet upstream from the Pioneer Bridge, as shown on Attachment A of the Order.
3. Waste Discharge Requirements, Order No. R5-2002-0016, contain Effluent Limitation B.3, which states, in part "The maximum temperature of the discharge shall not exceed ... the natural receiving water temperature by more than 20°F" and Receiving Water Limitation D.10, which states, "The discharge shall not cause surface water temperatures to rise more than 4°F above the natural temperature of the receiving waters at any time or place." These limitations are based on objectives in the *Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Waters and Enclosed Bays and Estuaries of California*, also known as the Thermal Plan.
4. The effluent temperature has regularly exceeded the ambient river temperature by more than 20° F, in violation of the Thermal Plan.
5. CDO No. R5-2002-0017 requires full compliance with Order No. R5-2002-0016 by 1 March 2006.
6. On 12 September 2005, the Discharger submitted new information and a request for a one-year extension of Order No. R5-2002-0016 and Cease and Desist Order R5-2002-0017. The Discharger plans to cease discharge to the river. The Discharger has prepared a master renovation plan, obtained project authorization and funding, received approval to proceed, initiated the environmental review process, and completed public workshops. Due to the extensive nature of the project, the Discharger does not foresee project completion until 2009. Consequently, despite the Discharger's diligent efforts, it is not feasible to complete the project to cease discharge to the river within the current time limits set forth in the CDO.

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7. The Discharger requires additional time to collect data, prepare a report, and submit an application in support of an exemption to the Thermal Plan until it completes the project to cease discharge to the river.
8. The term of the Order was four years whereas most NPDES permits have a term of up to five years. The Order expires on 1 March 2006.
9. On 30 August 2005, the Discharger submitted a timely Report of Waste Discharge for renewal.
10. The action to adopt or amend an NPDES permit is exempt from the provisions of Chapter 3 of the California Environmental Quality Act (CEQA) (Public Resources Code section 21000, et seq.), in accordance with Section 13389 of the California Water Code. The action to adopt or amend a CDO is exempt from the provisions of the California Environmental Quality Act (Public Resources Code section 21000, et seq.), in accordance with Section 15321(a)(2), Title 14, of the California Code of Regulations.
11. The Regional Water Board has notified the Discharger and interested agencies and persons of its intent to amend waste discharge requirements for this discharge and has provided them with an opportunity for a public hearing and an opportunity to submit their written views and recommendations.
12. The Regional Water Board, in a public meeting, heard and considered all comments pertaining to the discharge.
13. This Order shall amend Order No. R5-2002-0016, NPDES No. CA0078093, pursuant to Section 402 of the CWA (33 U.S.C. section 1342), and amendments thereto, and shall take effect upon the date of hearing, provided EPA has no objections.
14. Any person adversely affected by this action of the Regional Water Board may petition the State Water Resources Control Board to review this action. The State Water Resources Control Board, Office of the Chief Counsel, P.O.Box 100, Sacramento, CA 95812-0100, must receive the petition within 30 days of the date on which this action was taken. Copies of the law and regulations applicable to filing petitions will be provided on request.

IT IS HEREBY ORDERED that Waste Discharge Requirements Order No. R5-2002-0016, and Cease and Desist Order No. R5-2002-0017, are amended solely to extend the Waste Discharge Requirements to a five-year term and to extend the Compliance date in the Cease and Desist Order one-year. The State of California, Central Plant Operations, its agents, successors and assigns, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, and the provisions of the Clean Water Act and regulations and guidelines adopted thereunder, shall comply with the amended Waste Discharge Requirements Order No. R5-2002-0016 and amended Cease and Desist Order No. R5-2002-0017:

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1. Provision E.8 of Waste Discharge Requirements Order No. R5-2002-0016 is amended to read, in part, "This Order expires on **1 March 2007**..."
2. Item 2 of Cease and Desist Order No. R5-2002-0017 is amended to read, in part,

Task

* * *

Achieve Full Compliance

Compliance Date

* * *

1 March 2007

I, KENNETH D. LANDAU, Acting Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Central Valley Region, on _____.

KENNETH D. LANDAU, Acting Executive Officer